

State of Arizona
Senate
Forty-ninth Legislature
Eighth Special Session
2010

Senate Engrossed
FILED
KEN BENNETT
SECRETARY OF STATE

SENATE CONCURRENT MEMORIAL 1001

A CONCURRENT MEMORIAL

DECLARING THIS STATE'S SOVEREIGNTY UNDER THE UNITED STATES CONSTITUTION AND URGING THE CONGRESS OF THE UNITED STATES TO REPEAL THE PATIENT PROTECTION AND AFFORDABLE CARE ACT AND THE HEALTH CARE AND EDUCATION RECONCILIATION ACT OF 2010.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 To the Congress of the United States:
2 Your memorialist respectfully represents:
3 Whereas, the 10th Amendment to the Constitution of the United States
4 reads as follows: "The powers not delegated to the United States by the
5 Constitution, nor prohibited by it to the States, are reserved to the States
6 respectively, or to the people"; and
7 Whereas, the 10th Amendment defines the total scope of federal power as
8 being that specifically granted by the United States Constitution and no
9 more; and
10 Whereas, the scope and power defined by the 10th Amendment means that
11 the federal government was created by the states specifically to be the agent
12 of the states; and
13 Whereas, for many years, the states have been demonstrably treated as
14 agents of the federal government; and
15 Whereas, many federal mandates are directly in violation of the 10th
16 Amendment to the Constitution of the United States; and
17 Whereas, the United States Supreme Court has ruled in New York v.
18 United States, 505 U.S. 144 (1992), that Congress may not simply commandeer
19 the legislative and regulatory processes of the states; and
20 Whereas, Congress has never required citizens to purchase a good or
21 service simply as a consequence of residing in the United States; and
22 Whereas, Congress has created many entitlement programs that rely on
23 voluntary participation and funding from the states, including Medicaid and
24 the Children's Health Insurance Program; and
25 Whereas, state decisions to participate in the Medicaid program were
26 made in the context of program requirements for coverage of specific
27 populations and options for state flexibility; and
28 Whereas, with the passage of the Patient Protection and Affordable Care
29 Act and the Health Care and Education Reconciliation Act of 2010 ("the
30 Acts"), congressional action has considerably changed the requirements of the
31 Medicaid program, including enacting substantial new state spending
32 obligations and curtailing state decision-making; and
33 Whereas, these changes have effectively terminated the Medicaid
34 partnership between the federal government and the states, rendering states
35 in essence a taxing and administrative arm of the federal government; and
36 Whereas, the limitations on state flexibility affect Arizona more than
37 most other states due to its prior decisions to expand Medicaid coverage to
38 populations that previously were optional under federal law; and
39 Whereas, these recent federal decisions do not take into account the
40 severe decline in revenue experienced by Arizona and many other states in
41 recent years; and
42 Whereas, Medicaid takes up an increasing share of the state's budget,
43 and limits on Arizona's ability to manage its Medicaid program will result in
44 reductions in other essential government services such as education and
45 public safety; and

1 Whereas, a decision to not participate in the underlying Medicaid
2 program would have an acute and lasting economic impact on Arizona's health
3 care system; and

4 Whereas, the Acts subject other state-administered health care programs
5 for employees and retirees to new restrictions and coverage mandates; and

6 Whereas, states will be responsible for establishing and operating
7 exchanges; and

8 Whereas, over the next ten years, the Acts will require Arizona to fund
9 nearly \$12 billion in Medicaid costs alone.

10 Wherefore your memorialist, the Senate of the State of Arizona, the House of
11 Representatives concurring, prays:

12 1. That the United States Congress introduce and enact legislation
13 that repeals the Acts.

14 2. That the Secretary of State of the State of Arizona transmit copies
15 of this Memorial to the President of the United States Senate, the Speaker of
16 the United States House of Representatives and each Member of Congress from
17 the State of Arizona.

~~PASSED BY THE HOUSE MARCH 31, 2010.~~

~~PASSED BY THE SENATE MARCH 31, 2010.~~

~~FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 1, 2010.~~